

NO. 14-18-00302-CR

DUKE EDWARD,
APPELLANT

IN THE COURT OF APPEALS

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS

V.

FOURTEENTH
JUDICIAL DISTRICT

1/28/2019 10:14:17 AM
CHRISTOPHER A. PRINE
Clerk

THE STATE OF TEXAS,
APPELLEE

HOUSTON, TEXAS

MOTION FOR EXTENSION OF TIME
TO FILE STATE'S RESPONSE BRIEF

TO THE HONORABLE COURT OF APPEALS:

Now comes Jack Roady, Criminal District Attorney of Galveston County, Texas, pursuant to Rule 10.5(b), Texas Rules of Appellate Procedure, and moves for an extension of time in which to file the State's Brief and would respectfully show the Court of Appeals as follows:

1. The appellant was convicted of Fraudulent Use/Possession of Identifying Information, and 2 cases of Possession of a Controlled Substance and was sentenced on 4/4/2018. The trial case is styled as *State of Texas v. Duke Edward*, in the 212th Judicial District Court of Galveston County, Texas, Cause No. 17-CR-1965. Appellant filed timely Notice of Appeal. The Appellant's brief was filed with this Court on 12/28/2018.
2. The present due date for filing the State's brief is 1/28/2019.
3. This is the State's first motion for extension of time to file its brief.
4. The State requests an extension to file its brief on or before 3/29/2019.
5. The State requests this extension not for delay but because during the last sixty days, the undersigned attorney for the State:

- Completed a State's response brief in *Frederick Johnson v. State*, 14-18-00198-CR, filed on 1/18/2019.
 - Completed a State's response brief in *Dana Latray Nealy v. State*, 01-18-00216-CR, filed on 11/28/2018.
 - Completed a State's response brief in *Jeff Craig Janecka v. State*, 01-18-00233-CR, filed on 1/11/2019.
 - Provides litigation support for the trial bureau.
6. The State must first complete its response brief in *Jasmine Stuart v. State*, 14-18-00463-CR, due on 1/30/2019.
 7. The State must first complete its response brief in *Aaron Scott Yocham v. State*, 01-18-00341-CR, due on 2/14/2019.
 8. The State must first complete its response brief in *David Michael Bryant v. State*, 01-18-00684-CR, due on 2/22/2019.
 9. The State must first complete its response brief in *Russell Aaron Hester v. State*, 01-18-00764-CR, due on 2/27/2019.
 10. The State must first complete its response brief in *David Allyn Sweat v. State*, 01-18-00390-CR, due on 2/4/2019.
 11. The State must first complete its response brief in *Adrienne Klein v. State*, 14-18-00575-CR, due on 2/4/2019.
 12. The State must first complete its response brief in *Peter Ortiz v. State*, 14-18-00576-CR, due on 2/4/2019.
 13. The State must first complete its response brief in *Leonard Lee Smith v. State*, 01-18-00331-CR, due on 2/28/2019.
 14. The State must first complete its response brief in *Jasmine Laura Maynes v. State*, 01-18-00354-CR, 01-18-00355-CR, 01-18-00356-CR, due on 3/11/2019.

WHEREFORE, PREMISES CONSIDERED, the State respectfully requests that this

Court of Appeals extend the time to file the State's brief until March 29, 2019.

Respectfully submitted,

JACK ROADY
CRIMINAL DISTRICT ATTORNEY
GALVESTON COUNTY, TEXAS

/s/ Alan Curry
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CERTIFICATE OF COMPLIANCE

The undersigned Attorney for the State certifies this brief is computer generated, and consists of 420 words.

/s/ Alan Curry
ALAN CURRY
Assistant Criminal District Attorney
Galveston County, Texas

CERTIFICATE OF SERVICE

The undersigned attorney for the State certifies that a copy of the above motion was emailed via eFiling e-service to Jim Ducote, attorney for Appellant, james@ducotelawfirm.com on January 28, 2019.

/s/ Alan Curry
ALAN CURRY
Assistant Criminal District Attorney
Galveston County, Texas